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8 Attorneys for Plaintiff TARGETSAFETY.COM, INC., a
9 California corporation

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 TARGETSAFETY.COM, INC., a California
13 corporation

14 Plaintiff,

15 v.

16 CONTINUING EDUCATION COORDINATING
17 BOARD FOR EMERGENCY MEDICAL
18 SERVICES, INC., a Missouri non-profit corporation
19 and DOES 1-10

20 Defendants.

Case No.: 08-CV-0994-JLS-JMA

FOURTH JOINT MOTION AND
STIPULATION REGARDING
TARGETSAFETY'S MOTION FOR
PRELIMINARY INJUNCTION AND
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
[PROPOSED] ORDER THEREON

21 The parties to this Fourth Joint Motion and Stipulation are Plaintiff
22 TARGETSAFETY.COM, INC. ("TargetSafety") and Defendant CONTINUING EDUCATION
23 COORDINATING BOARD FOR EMERGENCY MEDICAL SERVICES ("CECBEMS").

24 TargetSafety is represented by Frank L. Tobin of Procopio, Cory, Hargreaves & Savitch
25 LLP.

26 CECBEMS is represented by Bradley M. Pinsky of Scicchitano & Pinsky, PLLC.

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RECITALS

A. On or about June 4, 2008, TargetSafety filed a Complaint against CECBEMS in the United States District Court, Southern District of California, Case No. 08-CV-0994-JLS-JMA, for declaratory relief, breach of contract, specific performance and injunction.

B. Also on or about June 4, 2008, TargetSafety filed a Motion for Preliminary Injunction and an Application for Temporary Restraining Order in the above-referenced Court to maintain the status quo and enjoin CECBEMS from revoking accreditation of TargetSafety's courses until this matter is adjudicated.

C. TargetSafety requested from the Court a Temporary Restraining Order and Order to Show Cause regarding Preliminary Injunction.

D. TargetSafety seeks to preserve the status quo and enjoin CECBEMS from revoking its accreditation of TargetSafety's courses until TargetSafety's Complaint in the above-referenced matter is adjudicated.

E. CECBEMS has not filed a responsive pleading to TargetSafety's Complaint and has not filed an Opposition to TargetSafety's Motion for Preliminary Injunction and Application for Temporary Restraining Order.

F. On or about June 11, 2008 TargetSafety and CECBEMS entered and filed a First Joint Motion and Stipulation whereby CECBEMS agreed to (1) recognize TargetSafety's Motion for Preliminary Injunction and Application for Temporary Restraining Order as a Motion for Preliminary Injunction (the "Motion for Preliminary Injunction"), and (2) maintain the status quo and not revoke the accreditation of TargetSafety's courses while the Motion for Preliminary Injunction is pending. The parties further agreed CECBEMS would have until June 20, 2008 to respond to the Motion for Preliminary Injunction and that TargetSafety would have five (5) court days following service of CECBEMS' response to the Motion for Preliminary Injunction to file a Reply Memorandum of Points and Authorities pursuant to the Local Rules for the Southern District of California, Rule 7.1(e)(3) .

G. On or about June 19, 2008, TargetSafety and CECBEMS entered and filed a

1 Second Joint Motion and Stipulation that recited and incorporated the terms of the parties First
 2 Joint Motion and Stipulation and further agreed that CECBEMS would have until June 27, 2008
 3 to respond to TargetSafety's Motion for Preliminary Injunction and that Target Safety would
 4 have five (5) court days following service of CECBEMS' response to the Motion to file a Reply
 5 Memorandum of Points and Authorities pursuant to the Local Rules for the Southern District of
 6 California, Rule 7.1(e)(3).

7 H. On or about June 26, 2008, TargetSafety and CECBEMS entered and filed a Third
 8 Joint Motion and Stipulation that recited and incorporated the terms of the parties Second Joint
 9 Motion and Stipulation and further agreed that CECBEMS would have until July 18, 2008 to
 10 respond to TargetSafety's Motion for Preliminary Injunction and that Target Safety would have
 11 five (5) court days following service of CECBEMS' response to the Motion to file a Reply
 12 Memorandum of Points and Authorities pursuant to the Local Rules for the Southern District of
 13 California, Rule 7.1(e)(3).

14 I. On or about June 13, 2008, Hon. Janis L. Sammartino, United States District
 15 Court Judge, issued an Order granting the parties' First Joint Motion and Stipulation. On or
 16 about June 20, 2008, Hon. Janis L. Sammartino issued an Order granting the parties' Second
 17 Joint Motion and Stipulation. On or about July 7, 2008, Hon. Janis L. Sammartino issued an
 18 Order granting the parties' Third Joint Motion and Stipulation

19 J. Counsel for the parties and the parties have continued to engage in discussions in
 20 an attempt to resolve this matter and believe based on recent discussions that continued
 21 discussions between the parties would be productive in an attempt to achieve a resolution of this
 22 matter. In order to determine whether a complete resolution of this matter is achievable,
 23 CECBEMS and TargetSafety propose the following Stipulation.

24 **TERMS OF STIPULATION**

25 1. The terms of the Stipulation incorporate the above Recitals as though set forth in
 26 full herein.

27 2. TargetSafety agrees that CECBEMS will have until August 8, 2008 to respond to

1 the Motion.

2 3. CECBEMS agrees that TargetSafety will have five (5) court days following
3 service of CECBEMS' response to the Motion to file a Reply Memorandum of Points and
4 Authorities pursuant to the Local Rules for the Southern District of California, Rule 7.1(e)(3).

5 4. CECBEMS further agrees that it shall not revoke the accreditation of
6 TargetSafety's courses while the Motion for Preliminary Injunction is pending.

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8 **SO STIPULATED AND AGREED.**

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10 DATED: July 18, 2008

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

11
12 By: /s/ Frank L. Tobin
13 Frank L. Tobin
14 Attorneys for Plaintiff
15 TARGETSAFETY.COM, INC., a California
corporation

16 DATED: July 18, 2008

SCICCHITANO & PINSKY, PLLC

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18 By: /s/ Bradley M. Pinsky
19 Bradley M. Pinsky
20 Attorneys for Defendant
21 CECBEMS
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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA

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SERVICES, INC., a Missouri non-profit corporation
and DOES 1-10

14 Defendants.
15

Case No.: 08-CV-0994-JLS-JMA

[PROPOSED] ORDER: GRANTING
PARTIES FOURTH JOINT MOTION
AND STIPULATION REGARDING
TARGETSAFETY'S MOTION FOR
PRELIMINARY INJUNCTION

16 Pursuant to the parties' "fourth joint motion and stipulation," CECBEMS shall have until
17 August 8, 2008 to respond to TargetSafety's Motion for Preliminary Injunction. TargetSafety
18 will have five (5) court days following service of CECBEMS' response to file a reply.
19 CECBEMS shall not revoke the accreditation of TargetSafety's courses while the Motion for
20 Preliminary Injunction is pending.

21 IT IS SO ORDERED.

22 DATED: _____

23 HONORABLE JANIS L. SAMMARTINO
24 U.S. DISTRICT JUDGE
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